IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 8900 of 2003

Between:

Palle Rama Rao, S/o Palle Kankaiah, Occ: Agriculture,
R/o. Upparagudem, Pedagonnuru Post, Mudinepally Mandal,
Krishna District.

..... PETITIONER

AND

1 The Mandal Revenue Officer,
Mudinepally Mandal, Krishna District.
2 Reddy Appa Rao, S/o. China Ramulu, Occ: Cultivation,
R/o. Upparagudem, H/o. Pedagonnuru,

Mudinepally Mandal, Kaikalur JCJC.

Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate order or direction more particularly one in the nature of writ of mandamus declaring that the order of the first respondent in Notice No. Rc.B.209/2001, dt.20-04-2003 directing the close down the tank covered by sy.no. 377/1 and 2, situated at Vanadurru village, Mudinepally Mandal, Krishna District is illegal, without jurisdiction and is in violation of principles of natural justice and consequently set-aside the same.

Counsel for the Petitioner :MR.N.A.RAMACHANDRA MURTHY, REPRESENTTING MR.P.R.PRASAD

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: MR. M. RAVINDRANATH REDDY

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.8900 OF 2003

ORDER:

The Writ Petition is filed seeking a Writ of Mandamus declaring the Notice bearing No.Rc.No.B.209/2001, dt.20.4.2003 directing petitioner to close down the tank covered by Sy.No.377/1 and 2, situated at Vanadurru Village, Mudinepalli Mandal, Krishna District, as illegal, without jurisdiction and violative of principles of natural justice and consequently set aside the same.

This Court admitted the Writ Petition on 6.5.2003 and granted interim direction. Now, the respondents have filed a petition to vacate the interim order. With the consent of the learned counsel for the petitioner and the learned counsel for the respondents, the Writ Petition is heard finally and is being disposed of.

First respondent, Mandal Revenue Officer, issued impugned notice dt.20.4.2003 directing the petitioner to close the prawn culture tank that was dug in the land comprised in S.No.377/1 and 377/2 of Vanadurru Village. As held by Division Bench of this Court in **Madireddy Padma Rambabu v. District Forest Officer, Kakinada** owner of agricultural land has no right to convert agricultural land into pisciculture/aquaculture tank. In that view of the matter, this Court does not find any infirmity in the impugned notice. Learned counsel for the petitioner, Sri N.A.Ramachandra Murthy does not dispute the legal position, but seeks leave of this Court to approach the competent aquaculture authority seeking permission for adopting improved technology for undertaking prawn culture in agriculture land.

Liberty is given to petitioner to do so.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

21.9.2004

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To

1 The Mandal Revenue Officer,
Mudinepally Mandal, Krishna District.

2 2 CCs to G.P. for Revenue, High Court Bldgs., Hyderabad (OUT)

3 2 CD copies.